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12 Attorneys for Plaintiffs
KATHLEEN MORRISON et al.
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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 KATHLEEN MORRISON, GARY CASTRO,
and TOM TERUSO, on their own behalf and on
18 behalf of all employees similarly situated,

19 Plaintiff,

20 v.

21 BIMBO BAKERIES USA, INC. and DOES 1
through 100, Inclusive.,

22 Defendant.

No. 07-CV-03156-SI

JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
CASE MANAGEMENT CONFERENCE

23 Plaintiffs and Defendants, through their respective counsel of record, hereby
24 stipulate and agree as follows:

25 WHEREAS there is an earlier-filed putative class action lawsuit entitled
26 *Leonard et al. v. Bimbo Bakeries USA, Inc. et al.* filed in this District (Case No. C05 00829
27 JW), which Defendants contend encompasses the same legal and factual contentions as those
28

1 asserted by Plaintiffs herein;

2 WHEREAS on June 4, 2007, Defendants filed a motion for consolidation of
3 the instant action and the *Leonard v. Bimbo Bakeries USA, Inc.* case (the “Motion to
4 Consolidate Cases”);

5 WHEREAS on August 3, 2007, Judge James Ware vacated the hearing and
6 took the Motion to Consolidate Cases under submission;

7 WHEREAS Judge Ware has not yet issued a ruling on the Motion to
8 Consolidate Cases;

9 WHEREAS the current date for the Case Management Conference in this
10 litigation is scheduled for September 21, 2007;

11 WHEREAS the ruling on the Motion to Consolidate Cases may have a
12 significant impact on the scheduling and management of this litigation;

13 WHEREAS on September 4, 2007, the parties, by and through their respective
14 counsel, completed the conference required pursuant to FRCP 26(f);

15 WHEREAS, the parties have agreed to serve initial disclosures pursuant to
16 FRCP 26(a) by September 14, 2007 and have agreed to file a joint case management
17 conference statement pursuant to FRCP 26(f) by September 14, 2007;

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A/72187223.2

1 The Parties hereby jointly request that the Case Management Conference
2 currently scheduled for September 21, 2007 be continued until after Judge Ware has issued
3 the ruling on the Motion to Consolidate Cases.


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5 DATED: September 5, 2007

GIGLIOTTI & GIGLIOTTI

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7 By: _____ /s/ _____
8 Joseph Gigliotti
9 Attorneys for Plaintiffs
10 KATHLEEN MORRISON, GARY CASTRO
11 and TOM TERUSO

12 DATED: September 5, 2007

BINGHAM McCUTCHEN LLP

13
14 By:  _____
15 Wendy M. Lazerson
16 Attorneys for Defendant
17 BIMBO BAKERIES USA, INC

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19 **ORDER**

20 PURSUANT TO STIPULATION, IT IS SO ORDERED THAT the case
21 management conference currently set for 1:30 p.m. on September 21 2007 is continued until
22 _____ at _____.
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24 By: _____
25 HON. SUSAN ILLSTON
26 United States District Court Judge
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